

REMARKS

In the Office Action dated April 3, 2006, the Examiner objected to claim 7 because of an informality, rejected claim 87 under 35 U.S.C. § 112, first paragraph, as purportedly failing to comply with the written description requirement, and rejected claims 1-91 under 35 U.S.C. §102 (a) as being anticipated by Maloney et al. (International Patent No. WO 01/18674 A2).

Objection of Claim 7

Applicants have amended claim 7, without narrowing its scope, to recite “processes” instead of “process.” (Applicants have also corrected a minor typographical error in claim 21.) Applicants greatly appreciate the Examiner’s helpful suggestion to correct the inadvertent typographical mistake in claim 7 and respectfully request that the objection to claim 7 be withdrawn.

Rejection of claim 8 under 35 U.S.C. § 112

The Examiner asserts on page 2 of the Office Action that claim 8 “contains subject matter which was not described in the specification” and that “the specification does not contain the description of the newly claimed limitation of determining whether suitably of use information is maintained for the at least two selected beauty products.” Applicants respectfully direct the Examiner’s attention to the specification, for example, at pages 7-8, paragraph 31, which includes disclosure relating to “suitably of combining or using two or more products.” Based on at least this description, one of ordinary skill in the art would understand that at the time the application was filed, the inventors had possession of the claimed invention. For at least these reasons, Applicants respectfully request the Examiner to withdraw the rejection of claim 87.

Rejection of claims 1-91 under 35 U.S.C. § 102(a)

In order for Maloney et al. to anticipate Applicants' claims under 35 U.S.C. § 102(a), each and every element of the claim at issue must be found, either expressly or under principles of inherency, in the reference. Further, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2131 (quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989)).

Claims 1 and 36

Maloney et al. fails to anticipate claims 1 and 36 because Maloney et al. does not disclose, expressly or otherwise, each and every feature recited in claims 1 and 36. For example, Maloney et al. does not disclose "accessing a data structure containing information reflecting relationships between categories of user-specific information and beauty advice . . .; comparing, using an artificial intelligence engine, the received user-specific information with the accessed data; [and] identifying, using the artificial intelligence engine, beauty advice determined by the artificial intelligence engine to be related to the user-specific information," as recited in claim 1.

In the Office Action, the Examiner cites page 6, line 20 to page 7 line 13 of Maloney et al. for the asserted disclosure of certain subject matter. Applicants respectfully disagree with this interpretation of Maloney et al.

Maloney et al. is directed to providing customized products and services to a consumer on an individualized and interactive basis. (Page 1, lines 1-4). In the Maloney et al. system, consumer profiling data about a consumer is collected and a consumer profiling category is then determined which corresponds to the consumer

profiling data. (Page 6, lines 25 to page 7, lines 4). “To determine the consumer profiling category, the consumer’s responses to the profiling data inquiries are matched against a decision tree.” (Page 7, lines 5-7). The decision tree “comprises potential combinations of the consumer responses to the consumer profiling information.” (Id. at 6-7). The consumer may then “be assigned various profile sub-categories which correspond to specific product categories (such as hair care, skin care, cosmetics, fragrances, etc.).” “The consumer is provided a list of one or more products that correspond to the consumer profiling category.” (Id. at 14-15).

Contrary to the Examiner’s assertions, the portions cited by the Examiner relate to collecting consumer data and then assigning a profiling category to the consumer. Nothing in Maloney et al. discloses, e.g., “identifying . . . beauty advice determined by the artificial intelligence engine to be related to the **user-specific information**,” as recited in claim 1. Instead, the Maloney et al. system provides a list of products that correspond to “the consumer profiling category” not the “user specific information.” Therefore, Maloney et al. fails to teach each and every feature of claim 1.

Moreover, although claim 36 has a scope different from that of claim 1, Maloney et al. does not disclose each of the features of claim 36 for at least one reason similar to one of those discussed above for claim 1. For example, Maloney does not disclose a system including, among other features, “a data structure containing information reflecting relationships between categories of user-specific information and beauty advice . . . ; [and] an artificial intelligence engine, configured to receive and process the information reflecting relationships and user-specific information, to thereby identify

beauty advice determined by the artificial intelligence engine to be related to the user-specific information,” as recited in claim 36.

Applicants therefore respectfully request the Examiner to withdraw the 35 U.S.C. § 102(a) rejection of claims 1 and 36, and claims 2-20 and 37-55, which from claims 1 and 36, respectively.

Claim 21, 24, 56, and 69

Maloney et al. fails to anticipate claims 21, 24, 56, and 69 because Maloney et al. does not disclose, expressly or otherwise, each and every feature recited in claims 21, 24, 56, and 69. For example, Maloney et al. does not disclose “maintaining information about **suitability of use** of at least some of [a] plurality of beauty products with other of the plurality of beauty products; receiving from a user a selection of at least two of the plurality of beauty products; [and] processing, using an artificial intelligence engine, information characterizing the at least two selected beauty products and **suitability of use information** to thereby identify at least one additional product,” as recited in amended claim 21 (emphasis supplied).

In the Office Action, the Examiner cites page 7, lines 13-14 of Maloney et al. for the asserted disclosure of certain subject matter. Applicants respectfully disagree.

Maloney et al. discloses that after providing to the consumer a list of products corresponding to the consumer profiling category, the consumer selects a product from the list. (Page 7, lines 13-20). Additional consumer profiling data, which corresponds to the selected product choice, is identified from the consumer. (Page 7, lines 20-23).

The consumer is then provided a customized product which corresponds to the

additional consumer profiling data and the selected product choice. (Page 7, lines 30-33).

Contrary to the Examiner's assertions, the portions cited by the Examiner relate to selecting a customized product based on the product selected by the consumer and *additional consumer profiling data*. Nothing in Maloney et al. discloses, for example, "processing, using an artificial intelligence engine, information characterizing the at least two selected beauty products and **suitability of use information** to thereby identify at least one additional product," as recited in claim 21. Instead, the Maloney et al. system selects a customized product based on *additional consumer profiling data*, not "information characterizing the at least two selected beauty products and suitability of use information," as recited in claim 21. The Maloney et al. system merely identifies additional consumer profiling data such as product form, feature, and expectation preferences of the consumer, and selects a customized product based on this additional data, not "suitability of use," as recited in claim 21. (Page 7, lines 23-33). Therefore, Maloney et al. fails to teach each and every feature of claim 21.

Moreover, although claim 56 has a scope different from that of claim 21, Maloney et al. does not disclose each of the features of claim 56 for at least one reason similar to one of those discussed above for claim 21. For example, Maloney et al. does not disclose an "an artificial intelligence engine configured to process information reflective of the at least one user-selected product, at least some [information characterizing the plurality of products], at least some [information about suitability of using at least one of the plurality of products with at least one other of the plurality of products], and at least

some [personal information], and to identify therefrom at least one product complementary to the at least one user-selected product,” as recited in claim 56.

Maloney et al. also does not disclose “receiving from a user a selection of at least one user-specified product; . . . accessing through [an] artificial intelligence search engine **information about relationships between at least some of the plurality of products**; identifying, by the artificial intelligence engine, at least one recommended product complementary to the at least one user-specified product using at least the **information about product relationships**,” as recited in claim 24 (emphasis supplied). As discussed above, the Maloney et al. system selects a customized product based on “*additional consumer profiling data*.” (page 7, lines 31-32). The Maloney et al. merely identifies additional consumer profiling data such as product form, feature, and expectation preferences of the consumer, and selects a customized product based on this additional data. (Page 7, lines 23-33). The system does not identify at least one recommended product complementary to the at least one user-specified product “using at least the **information about product relationships**,” as recited in claim 24 (emphasis supplied). Therefore, Maloney et al. fails to teach each and every feature of claim 24.

Moreover, although claim 69 has a scope different from that of claim 24, Maloney et al. also does not disclose each of the features of claim 69 for at least one reason similar to one of those discussed above for claim 24. For example, Maloney et al. does not disclose “accessing through [an] artificial intelligence search engine information about relationships between at least some of [a] plurality of products; identifying, by the artificial intelligence engine, a second recommended product complementary to [a] first

[identified] product based on at least the information about relationships,” as recited in claim 69.

Applicants therefore respectfully request the Examiner to withdraw the 35 U.S.C. § 102(a) rejection of claims 21, 24, 56, and 69 and dependent claims 22-23, 25-35, 57-68, and 87-91.

claim 70

Maloney et al. fails to anticipate claim 70 because Maloney et al. does not disclose, expressly or otherwise, each and every feature recited in claim 70. For example, Maloney et al. does not disclose “enabling the subject to indicate whether the first beauty product is acceptable.”

In the Office Action, the Examiner cites page 20, last 8 lines and page 18, lines 4-9 of Maloney et al. for the asserted disclosure of certain subject matter. Applicants respectfully disagree with this interpretation of Maloney et al.

The cited portions of Maloney et al. merely describe providing the consumer a list of one or more products that correspond to the profile and receiving from the consumer a product choice selected from the list. (Page 18, lines 4-8). Nothing in Maloney et al. discloses “enabling the subject to indicate whether the first beauty product is acceptable,” as recited in claim 70. Therefore, Maloney et al. fails to teach each and every feature of claim 70. Applicants therefore respectfully request the Examiner to withdraw the 35 U.S.C. § 102(a) rejection of claim 70, and claims 71-85, which depend from claim 70.

Conclusion

Applicants submit that the claims are allowable over the cited reference.

Applicants, therefore, request the Examiner's reconsideration of the application, and the timely allowance of claims 1-91.


The Office Action contains a number of statements relating to characterizations of the claims and/or the cited references. Regardless of whether any such statement is mentioned above, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: 
Leila R. Abdi
Reg. No. 52,399